

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

OCTOBER 16, 2006

KENDALL-DEAN SCHOOL

6:45 P.M.

GOOD & WELFARE

Freeze on Housing Permits

Mr. Ernest Alter recommended a freeze on housing permits until March 15, 2007 considering the number of potential developments in town and that the zoning laws may not be in order.

PUBLIC HEARING NORTH SMITHFIELD TOWN COUNCIL

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KENDALL-DEAN SCHOOL

7:00 P.M.

The meeting was called to order at 7:00 P.M. and began with the prayer and the pledge to the flag. Council members present were Mrs. Thibault, Mr. Yazbak, Mr. Zwolenski and Mr. Lovett. Mrs. Flaherty was unable to attend due to a prior commitment. Town Administrator Lowe and Town Solicitor Hadden were also in attendance.

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1ST READING ORDINANCE AMENDMENTS RE: ZONING

MOTION by Mrs. Thibault and seconded by Mr. Yazbak and Mr. Zwolenski to consider this the first reading of the zoning ordinance

amendments regarding Conservation Development Design and Development Plan Review with the second reading scheduled for November 20th at 7:00 P.M. at which time the public hearing will also be continued.

Mr. Michael Rapko felt the Conservation Development Design ordinance was being overridden by Special Use permits. He sees major loopholes in the current ordinances.

Mr. Rapko also questioned the 20 percent slope appearing in Section 5.5.3.1 – Land Unsuitable for Development. The Town Planners in Smithfield and Burrillville are using 15 percent. He has been told that the degree of slope is dependent on the soil.

Town Planner Michael Phillips responded that, when he was the Planner in Cumberland, they used 15 percent but did not count the areas that were not going to be disturbed. He also felt that 15 percent would open the town up to challenges. Consultant Tony Lachowicz had recommended going up to 25 percent based on what he was seeing in other towns.

Mr. Yazbak felt that the current 20 percent was probably a good number.

Mr. Zwolenski asked Mr. Phillips to take a longer look at 15 percent.

Mr. Zwolenski had a few more concerns including reducing the number of parking spaces in Section 17.2(3) Applicability; including the words “gravesites and burial grounds” in Section 17.4(3) Application Contents; adding traffic control measures such as signs and parking lot striping to Section 17.4(12) Application Contents; and changing the words “may be” or “should be” to “shall be” in several sections.

Ruth Pacheco suggested a correction to Section 5.5.3.1(a) Land Unsuitable for Development: “Fresh water wetlands, including that area of land (perimeter wetland) within fifty feet 100 or 200 feet of the edge of any bog, marsh, swamp, or pond, as defined in the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, adopted pursuant to Rhode Island General Laws Section 2-1-20.1 as amended.

Caroly Shumway suggested that, prior to the Master Plan stage, the developers and the town get together to plan a development that is good for the town.

Mr. Phillips noted that large developments, over 9,000 square feet, will go through the land development process.

Mr. Yazbak felt that with so many revisions being discussed this evening the whole document should be reworked and brought back to the Council. Most of the suggestions he agreed with but there are

some with which he does not. Mr. Yazbak withdrew his second.

Mrs. Thibault withdrew the motion also as she would prefer to see a new document with the changes made to it.

MOTION by Mrs. Thibault, seconded by Mr. Zwolenski and voted 3 to 1 (Mr. Yazbak voted no) on an aye vote to consider this the first reading of zoning ordinance amendments and to continue the public hearing and have the second reading on November 20, 2006 to include a discussion and a vote of this evening's amendments.

Respectfully submitted,

Debra A. Todd, Town Clerk

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

OCTOBER 16, 2006

KENDALL-DEAN SCHOOL

IMMEDIATELY FOLLOWING

PUBLIC HEARING

The meeting began at 7:50 P.M. The prayer and the pledge to the flag were waived. Council members present were Mrs. Thibault, Mr. Yazbak,

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Mr. Zwolenski and Mr. Lovett. Mrs. Flaherty had a previous

commitment. Town Administrator Lowe and Town Solicitor Hadden were also present.

APPROVAL OF MINUTES

MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve the minutes of September 5, 2006 as presented.

LEGAL ACTION AGAINST VALLEY ALLIANCE FOR SMART GROWTH

MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote to move this discussion up on the agenda.

Mr. Yazbak stated that he placed this on the agenda because of what he believes to be frivolous lawsuits filed against the town by the Valley Alliance and which were unsuccessful. He questioned Assistant Town Solicitor Richard Nadeau as to what he felt the chances for success would be if the town attempted to recoup legal fees incurred by the lawsuit. In speaking with Mr. Lowe, Mr. Yazbak has learned that the town has spent close to \$30,000 in extraordinary litigation.

Mr. Nadeau responded there are rules that would allow the town to seek attorney's fees but the likelihood of success is not high. He added the developer will be filing a suit and their attorney is content to do the work and then allow others to join in. Mr. Nadeau said this

would not cost the town as much.

Mr. Yazbak stated it was not his intent to join in with the developer and if there is only a ten percent chance of succeeding, he will turn the other cheek.

Mr. Nadeau clarified that the town would not be joining in with the developer but the majority of the research would be done by their counsel and he would have access to their information. Mr. Nadeau felt the chance of succeeding was less than fifty percent.

Mr. Zwolenski is glad that the Valley Alliance is around and he could not support bringing them to court.

Mrs. Thibault stated she is not a fan of litigation and she is not ready to make a decision tonight. Mrs. Thibault noted that she feels people in town should be free to get together and make their opinions known.

MOTION by Mr. Yazbak to file a counter lawsuit against the Valley Alliance for Smart Growth for frivolous lawsuits they have filed against the town. The motion died for lack of a second.

(Mr. Hadden requested that it be noted for the record that Mr. Nadeau assumed the seat of the Town Solicitor and Mr. Hadden moved to the back of the room during this discussion.)

ATV/DIRT BIKE CONCERNS

MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to move this up on the agenda since Lt. Lafleur was present and on duty.

Mrs. Ellen Sandstrom of 9 Cristy Court addressed the Council with her concerns of dirt bikes in the area. She has lived in the area for six years and the problem is getting worse. Mrs. Sandstrom has filed a complaint with the police department but, when asked, she was unable to identify the people without their helmets.

North Smithfield Police Lieutenant Thomas Lafleur explained that the department had conducted an operation over the weekend that netted four arrests, all from out of state. It becomes an overtime issue but Chief Reynolds has authorized another weekend operation in the near future.

Mrs. Sandstrom asked if an ordinance could be created with stricter fines.

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MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted unanimously on an aye vote to ask the Town Solicitor to put together

an ordinance that will raise fines to recoup enforcement costs.

Mr. Ernest Alter proclaimed that all ATVs should be banned and confiscated.

PAYMENT OF BILLS

MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted 3 to 1 (Mr. Yazbak voted no) on an aye vote to approve payment of the following: General Fund - \$2,409,644.68; Sewer - \$146,021.48; and Water - \$48,588.07 for a total of \$2,604,254.23.

GILBANE PAYMENTS

MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote to approve the following payments for the Middle School project: Gilbane Bldg. Co. Req. #2 - \$192,258.31; Gilbane Bldg. Co. Task #4 - \$4,886.00 and Joseph Reale, Jr. Ltd. - \$314.62 for a total of \$197,458.93.

SILVER PINES WATER AGREEMENT

Mr. Lowe explained that the Council had agreed to use money due from the Silver Pines development to defray the cost of the connection with the City of Woonsocket but he had not received approval to make the contract with them. Mr. Lowe presented a resolution to that effect.

Mr. Hadden believes there is some language that needs to be

changed in the resolution. Also there is an outstanding lawsuit that should go away.

MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to refer this resolution to the Town Solicitor and bring it back at the November 20th meeting.

Mr. Hadden felt it may also be appropriate to have a written contract.

HALLIWELL SCHOOL PROJECT UPDATE

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to move up this discussion on the agenda.

Mrs. Fran Johannis, School Facilities Planning Task Force member, presented a ten-minute power point demonstration of the proposed new elementary school that will be on the ballot for the November 7th election.

ADOPTION OF 2006/2007 WATER BUDGET

Finance Director Jill Gemma explained this document was prepared on a zero-based operating budget.

This budget indicates a cost of \$4.73/1000 gallons for residential and commercial users.

MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote that the administration's proposed budget be accepted and instituted with a three to five year plan to be presented at the beginning of the new year.

AWARD OF BIDS

Street Overlay

MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote that, based upon the recommendations of the Finance Director and the Town Administrator, the bid be granted to J.H. Lynch & Sons at a cost of \$64.25 per ton. J. H. Lynch & Sons was the lowest qualified bidder.

Road Materials

MOTION by Mrs. Thibault, seconded by Mr. Yazbak, and voted unanimously on an aye vote that, based upon the recommendations of the Finance Director and the Town Administrator, the bid for crack sealant be awarded to Crack Seal Inc. in the amount of \$6.20 per gallon installed. Crack Seal Inc. was the lowest qualified bidder.

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Four-Way Snow Plow

MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted unanimously on an aye vote to accept the bid from H.W. Rose in the amount of \$6,184.00.

PROPOSED ORDINANCE RE: SCREENING AND FENCING

Building Inspector Robert Benoit presented his recommendations for fencing requirements in residential districts.

Mr. Hadden also presented a draft ordinance.

Mr. Zwolenski recommended a change to the last paragraph to include that any objections shall be filed in writing.

MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote that the heading of the draft ordinance presented by the Solicitor be corrected and that it be posted for a first reading at the November 20th meeting.

RESOLUTION RE: ISSUANCE OF \$30,000,000 MIDDLE SCHOOL BOND

MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote to move this item up on the agenda.

MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote to approve the following resolution as presented: “RESOLVED THAT: SECTION 1. Pursuant to Chapter 7 of the Public Laws of 2006, the sum of \$30,000,000 is hereby appropriated for the purpose of financing the acquisition of land for school facilities and the construction and equipping of a new middle

school and school facilities in the Town of North Smithfield (the "Town"). SECTION 2. The Director of Finance and the President of the Town Council or his or her designee be and hereby are authorized to issue up to \$30,000,000 bonds/or notes of the Town at one time or from time to time under Chapter 7 of the Public Laws of 2006 in order to meet the foregoing appropriation. SECTION 3. The said officers from time to time may, subject to and pursuant to Chapter 7 of the Public Laws of 2006, apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purpose specified in Section 1 hereof. SECTION 4. The said officers from time to time may issue and refund not exceeding \$30,000,000 interest bearing or discounted notes under Chapter 7 of the Public Laws of 2006 in anticipation of the issue of bonds or in anticipation of the receipt of federal or state aid in the amounts and for the purposes specified in Section 1 hereof. SECTION 5. The manner and time of sale and the forms, denominations, maturities, interest rates, and other details, terms and conditions of the bonds and notes shall be fixed by the said officers. Sales of bonds or notes may be so determined to be made by said officers to, among others, the Rhode Island Health and Educational Building Corporation ("RIHEBC") or its appointed trustee in conjunction with the issuance of bonds by RIHEBC pursuant to a RIHEBC financing program to support the development of projects for educational institutions under Chapter 38.1 of Title 45 of the General Laws of Rhode Island. SECTION 6. Pending the issue of the bonds under Section 2 hereof or pending or in lieu of the issue of notes under Section 4 hereof, the

Director of Finance at the direction of the Town Council may expend funds from the general treasury of the Town for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of bonds or notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds. SECTION 7. The proceeds derived from the sale of the bonds or notes shall be delivered to the Director of Finance and such proceeds, exclusive of premiums and accrued interest, shall be expended for the purposes expressly authorized under Chapter 7 of the Public Laws of 2006. No purchase of any such bonds or notes shall be in any way responsible for the proper application of the proceeds derived from the sale thereof. SECTION 8. The Director of Finance and the President of the Town Council or his or her designee are hereby authorized to issue bonds or notes and deliver them to the purchasers thereof and said officers are hereby authorized and instructed to take all actions, on behalf of the Town, necessary to ensure that interest on the bonds or notes will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on

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the bonds or notes to become subject to federal income taxes. SECTION 9. The Director of Finance and the President of the Town Council or his or her designee are authorized, empowered and directed, on behalf of the Town to: (i) execute, acknowledge and deliver any and all other documents, certificates or other instruments

as may be required or as may be necessary or desirable in connection with the issuance of any bonds or notes, including, without limitation, financing or other agreements between the Town and RIHEBC or its appointed trustee in connection with the RIHEBC financing program described above; (ii) amend, modify or supplement the bonds or notes any and all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; and (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this Resolution in order to effectuate said borrowing and the intent hereof. SECTION 10. The Finance Director and the President of the Town Council are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the 'SEC Rule') and to execute and deliver a Continuing Disclosure Certificate in connection with the bonds or notes in the form as shall be deemed advisable by the Finance Director and the President of the Town Council in order to comply with the SEC Rule. The Town hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this resolution or the bonds or notes, failure of the Town to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any bondholder or noteholder may take such actions as

may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the Town to comply with its obligations under this Section and under the Continuing Disclosure Certificate. SECTION 11. That this Resolution is an affirmative action of the Town Council of the Town of North Smithfield toward the issuance of the bonds and/or notes in accordance with the purposes of the laws of the State. This Resolution constitutes the Town's declaration of official intent, pursuant to Treasury regulation 1.150(2), to reimburse the Town for certain capital expenditures for the project paid on or after the date which is sixty (60) days prior to the date of this Resolution, but prior to the issuance of the bonds and/or notes. Such amounts to be reimbursed shall not exceed \$30,000,000 and shall be reimbursed not later than eighteen (18) months after the later of (a) the date on which the expenditure is paid or (b) the date the project is placed in service or abandoned, but in no event later than three (3) years after the date the expenditure is paid. This Resolution shall be made reasonably available for public inspection at the Town Clerk's office. SECTION 12. This Resolution shall take effect upon its passage."

FUNDING OF NEW MIDDLE SCHOOL

The School Building Committee recommendations in regards to the \$30 million bond for the Middle School: First is to issue bond anticipation notes (BANS) of \$4.5 million in November 2006 maturing in July 2007. The Town could then issue more BANS in July 2007 for \$29 million. Second is that the Town proceed with the filing of an

application with Rhode Island Health and Educational Building Corporation for financing in January 2007.

MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote to receive and place on file the letter from Mr. Paul Vadenais, Co-Chairman of the School Building Committee.

WAIVER OF BUILDING INSPECTION FEES – NEW MIDDLE SCHOOL

MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote to waive the town building inspection fees for this project.

Mr. Benoit made the Council aware that there are some fees due to the state that must be paid.

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SCHOOL BUILDING COMMITTEE REPORT

Mr. Yazbak noted that construction for the middle school will not begin until the spring because of timing, asphalt plants and the difficulties of excavating in the fall.

INDUSTRIAL DEVELOPMENT MINUTES

MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote to place on file the minutes of September

11, 2006.

DRAINLAYER'S LICENSE – D. DIFFLEY

MOTION by Mrs. Thibault, seconded by Mr. Yazbak, and voted unanimously on an aye vote to table this to November 20th since no one was present.

2ND READING ORDINANCE AMENDMENT RE: SALARIES & WAGES

MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on a roll call vote to approve the following Salaries and Wage ordinance: “It is ordained by the Town Council of North Smithfield, RI as follows: Chapter 13 of the Town Ordinance is amended to read: The following Table of Salaries and Wages to Pay Grades, are approved for the fiscal year July 1, 2006 to June 30, 2007. This list includes elected, appointed, classified (non-contractual), classified (contractual) and non-classified.

DEPARTMENT	FY 05/06	FY 06/07
1. General Government		
Town Administrator 7/1/06–11/30/06	75,000	27,083
Town Administrator 12/1/06-6/30/07		40,192
Grant Writer	13,935	14,353
Town Council (each) 7/06-11/06	2,550	1,275
Town Council (each) 12/06-6/07		1,275
Probate Judge	3,582	3,689

Board of Canvassers, Chairman	500	500
Board of Canvassers (each)	400	400
Town Clerk	46,632	48,031
Deputy Town Clerk	27,011	27,821
Finance Director (05/06 7/1/05-12/31/05)	32,500	68,959
Finance Director (05/06 1/1/06-6/30/06)	33,475	--
Personnel/Administrative Service Director		
Solicitor	53,800	55,414
Assistant Solicitor	20,000	20,600
Town Planner	50,961	52,490
Tax Assessor	40,060	41,262
Admin Ass't to Administrator	28,124	28,968
Asst Tax Collector	17.54/hr	17.54/hr
Commission Secretary	15.45/hr	15.45/hr
Senior Clerk	16.54/hr	16.54/hr
Finance Clerk I	14.73/hr	14.73/hr
Finance Clerk II	13.24/hr	13.24/hr
Recording Clerk	13.24/hr	13.24/hr
Inspection Division Clerk	12.89/hr	12.89/hr
Secretary (Tax Assessor's)	12.89/hr	12.89/hr
Part Time Finance Secretary	10.69/hr	10.69/hr
Planning Secretary	12.89/hr	12.89/hr

2. Public Safety

A. Building Inspector/Zoning Official	42,746	44,029
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Electrical Inspector (Pt)	7,198	7,414
Plumbing Inspector (Pt)	3,149	3,243
Mechanical Inspector (Pt)	3,149	3,243
Building/Zoning Inspector (Pt)	13,966	14,385
Assistant Electrical Inspector	3,200	3,296
Sealer of Weights and Measures	1	1
Police Chief	62,091	65,000
Administrative Asst to Police Chief	24,163	24,888

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3. Police Department

Captain	967.22/wk	996.24/wk
Lieutenant	943.82/wk	972.13/wk
Sergeant	920.40/wk	948.01/wk
Detective	897.01/wk	923.92/wk
Patrolman (over 1 year)	861.87/wk	887.73/wk
Probationary (6 mos/1 yr)	739.76/773.65/wk	761.95/796.86/wk

4. North Smithfield Local 937 Contract

Asst Highway Superintendent	18.13/hr	18.13/hr
Asst Labor Foreman	16.34/hr	16.34/hr
Animal Control Officer	16.66/hr	16.66/hr
Police Dispatcher	14.53/hr	14.53/hr
Police Clerk/Dispatcher (part time)	12.85/hr	12.85/hr
Mechanic	15.77/hr	15.77/hr
Mechanic/Driver	15.77/hr	15.77/hr
Equipment Operator	15.38/hr	15.38/hr
Truck Driver	14.71/hr	14.71/hr
Laborer	13.19/hr	13.19/hr
Highway Dispatcher	13.19/hr	13.19/hr

5. Public Works

Director of Public Works PT	1	15,894
Highway Superintendent	46,343	47,733
Water & Sewer Superintendent	47,029	48,440
Water & Sewer Supervisor		
Parks & Recreation Director	37,967	39,106
Tree Warden	1,630	1,679
P & R Maint. PT	10.00/hr	10.00/hr
Playground Supt PT	10.00/hr	10.00/hr
Supervisor		

8.00/hr 8.00/hr
Counselors

Longevity Non-Contractual Personnel

Completion of five (5) years	2.50%	2.50%
Completion of ten (10) years	3.00%	3.00%
Completion of fifteen (15) years	3.50%	3.50%
Completion of twenty (20) years & over	4.00%	4.00%

***Effective with the approval of the dept budgets.**

The designation of a yearly salary is a designation of rate of pay only, and shall not be construed to create an employment relationship other than at will. Benefits, for non-contractual personnel, including but not limited to vacation, personal leave and sicktime, shall be governed by Chapter 13 of the Code of Ordinances and any other charter provisions, resolution of May 1, 2006 (relating to retirees) or ordinances relating thereto.

All non-contractual personnel who have elected health insurance coverage benefits shall contribute the greater of \$40 per pay period toward the premium (\$1,040 per year) for family plans and \$16 per pay period (\$416 per year) for individual plans or the Local 937 current contract amount.

Amendments to Chapter 13 Salaries and Wages – Fiscal Year 2006/07.

This ordinance shall become effective upon passage and all Ordinances or part of Ordinances inconsistent herewith, are repealed.”

LIZ DEVELOPMENT

Mr. Lowe reported that as of last Friday, all pipes are in on Elizabeth Avenue. This week they will be putting in laterals to the homes and starting to raise the cement blocks to build up the culverts. They are turning onto Saranac Street and that section of the project will be done by mid-November.

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TEACHER CONTRACTS AND FUNDING FOR FUTURE SCHOOL BUDGETS

Mr. Yazbak, Mr. David LaSalle and Mr. Jim Cournoyer have put together a packet regarding future budgets which Mr. Yazbak presented this evening. He gave an overview of the 06/07 budget and a forecast for the 07/08 and 08/09 budgets including cost of the middle school.

The cost of the teacher contract next year has been identified as approximately \$715,000. Before the contract was signed, a new law had been passed by the State of Rhode Island – Senate Bill 3050 – that restricts the School Committee from proposing a 2007/2008 appropriation of municipal funds in excess of 5.25 percent of the prior

year. It does not limit the aid to education. We will only have \$780,000 for the school department next year. The best scenario right now, if the full time equivalents stay constant, is the school department will have \$65,000 to work with. Mr. Yazbak continued that to fund a four and one-half percent municipal funding increase and a school spending increase at the maximum, one of the following has to happen: a.) a 7.47 percent increase in the tax rate, assuming no growth, b.) a 7.33 percent (\$82 million) increase in the tax base with no increase in the tax rate or c.) a 2.25 percent increase in the tax base coupled with a 5.07 percent increase in the tax rate. In 2008/2009 only a five percent increase can be proposed.

The bottom line is that it does not appear this town will have the money in place for 2008/2009 unless we receive more state aid.

Mr. Yazbak felt it was unfortunate that the School Department did not discuss the proposed contract with the Town Administrator, the Finance Director or the Town Council prior to signing it.

Mr. Lowe noted that he and Mrs. Gemma attended a conference regarding Senate Bill 3050. He is encouraged that the law states that in January the School Committee has to present to the Administrator what their budget will be and how they will survive on a 5.25 percent increase.

School Committee Chairman Gary Ezovski commented that the voters

in North Smithfield elected five people to serve on the School Committee. Teacher contract negotiations is a difficult process and he does not agree with everything in this contract. The cost of labor in Rhode Island has gone beyond the taxpayer's means. There are numerous issues that need to be resolved on the state level.

FUNDING FOR FUTURE SCHOOL BUILDINGS

Mr. Yazbak stated that because he believes the town will be facing more legal action regarding the Dowling Village Development and the difficulty in meeting Senate Bill 3050 requirements, he doesn't see any funding for future school buildings until perhaps the original bonding for the elementary school is retired.

MOTION by Mrs. Thibault at 10:30 P.M., seconded by Mr. Yazbak and Mr. Zwolenski, and voted unanimously on an aye vote to extend the meeting deadline to 10:45 P.M.

LETTER OF SUPPORT FOR HALLIWELL SCHOOL BOND

Mr. Paul Vadenais noted that the School Facilities Task Force is hoping to get a letter of support from the Council to attach to their application to the Department of Education for a new elementary school. He stated there is still a question out there about the availability of state reimbursement.

Mr. Yazbak will not be able to support this school bond because he does not believe the town can afford it.

Mr. Ezovski commented that the town may not be able to use the Halliwell School facility in the near future. Making the decision not to move forward with this school will only create larger costs down the road.

Mr. Lovett, Mrs. Thibault and Mr. Zwolenski all shared concerns about the town's ability to afford a new elementary school but believed this letter would be a necessary part of the process to receive reimbursement if the bond does pass.

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MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted 3 to 1 on a roll call vote (Mr. Yazbak voted no) to issue a letter of support, as part of Phase II of the School Facilities Master Plan, for the Halliwell School bond to be sure the town will be reimbursed by the state.

WATER ISSUES

Mr. Lowe stated that the pipes at Deerfield Commons have been flushed out. The actual connections should be done next week and the project will be on line with Woonsocket water in two weeks.

MOTION by Mr. Yazbak at 10:45 P.M., seconded by Mrs. Thibault and Mr. Zwolenski, and voted unanimously on an aye vote to extend the meeting to 11:00 P.M.

STORMWATER OUTFALL AT LAURELWOOD DEVELOPMENT

Mr. David Lasalle of Taber Hill Road had a couple of concerns. He learned there was some clean up work going on at the Laurelwood Development due to the damage caused by the failed drainage system. He attended a Planning Board hearing on the matter and after listening to a fifteen minute presentation by the developer regarding design changes, Mr. Lasalle was informed that he would not be allowed to comment based upon the recommendation of the Assistant Town Solicitor. Mr. Lasalle asked if someone could provide him with the regulations that allowed Mr. Nadeau to make that determination.

Mr. Hadden was unfamiliar with the circumstances of that meeting. He stated, however, that because a meeting is open to the public does not mean that the public has the right to comment.

Mr. Phillips explained that at the meeting, following a question from the chairperson, Mr. Nadeau stated public input would not be advisable because it had not been advertised as a public hearing per se.

Mr. Zwolenski suggested that a request for information be sent to Mr. Nadeau by Mr. Hadden to inquire as to why an abutter of this issue was not allowed to speak at the Planning Board meeting.

Mr. Phillips stated that DEM is requiring this correction and he, as the administrative officer, therefore considers it a minor subdivision change that does not require a public hearing.

Mr. Lasalle said he would have challenged that administrative call considering the number and the scope of the changes that are being made.

Mr. Phillips stated that there would be a peer review of the design. This will include a DEM engineer, an AT&T engineer and a member of the Planning Board who is an engineer. He plans to have a public hearing to get the aesthetic concerns of the neighbors.

Mr. Phillips agreed to hold a meeting with the abutters to hear their grievances if the developer will meet also.

SCHEDULE FOR NOVEMBER TOWN COUNCIL MEETINGS

Mr. Lovett proposed that there be no Council meeting on November 6th since it is the day before the election. He asked if the other members would want to choose another date or just have the one regular meeting for the month. It was a consensus that there just be the one meeting on November 20th.

COMMUNICATIONS

MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to accept and place on file the following

items: A.) Animal Control Monthly Report for September 2006, B.) The NSF&RS Monthly Report for September 2006, C.) Resolutions Opposing an Amendment to the RI Constitution Re: Casino Gambling from New Shoreham, Middletown, North Kingstown and South Kingstown and D.) A Resolution from South Kingstown Calling for Legislative Hearings into Insurance Industry Practices.

MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to adjourn at 11:15 P.M.